

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22-cr-00105-HFS
)	
JEREMY ACE WOODS)	
)	
Defendant.)	

DEFENSE SENTENCING MEMORANDUM

RESTITUTION

This Court should exercise its discretion and decline to order restitution and leave restitution to civil recovery because of the number of victims and because, even with the defense concessions, the issues are too complex and burdensome on the court as reflected in the 64 page presentence investigation. Victims include those involved and arguably not involved in the admitted criminal conduct; losses in many instances are simply estimates; losses include estimated depreciation of recovered property; and it is not totally clear as to what losses are included in, or about to be claimed or included in, pending state criminal cases and potential civil cases.

The Mandatory Victims Restitution Act (MVRA) makes restitution mandatory during the sentencing process of a criminal defendant in enumerated offenses such as admitted to by Mr. Woods. The Act also eliminates consideration of the criminal defendant's financial circumstances or ability to pay when fashioning a restitution

award; however, courts are required to consider a criminal defendant's financial means when creating a schedule to pay restitution to the victim.

The MVRA does contain limits on awarding restitution. See 18 U.S.C. § 3663A(c)(3)(A)–(B). However, if the number of victims is too large, making an award unfeasible, then the statute shall not apply. § 3663A(c)(3)(A) Additionally, if the computation of an award is overly complicated and could prolong the sentencing process to the extent it outweighs any benefit received by the victim, then a court can decline to apply the Act. Id. § 3663A(c)(3)(B).

INCARCERATION

Should this court order restitution in the amount suggested, defendant submits that the court should grant defendant a substantial variance from the calculated guideline sentence. Mr. Woods is 45 years old and not in the best of health. He is going to be limited to labor type jobs and his earning capacity and duration is going to be limited. A variance will at least allow him to go back to work earlier and start paying those who have been victimized at least some amount and give them some satisfaction that their losses are being addressed. On the other hand, a lengthy incarceration will deprive him of his remaining working years and will make him nearly eligible for Social Security upon his release. In balance, it would seem to be more prudent to put him back in the workforce, under strict supervision of the

probation office, as early as possible to contend with these restitution issues should they be imposed.

Defendant is capable of working and has in the past apparently convinced some people, particularly family members and friends, he is worthy of one more chance to earn an honest living and pay back the people who have been victimized. This is attested to by the letters that are attached from those family members and friends.

WHEREFORE, defendant submits his sentencing memorandum.

/S/

JOHN R. OSGOOD, Mo Bar 23896

112 SW 3rd Street – Suite One

Lee's Summit, MO 64063

TEL: 816 525 8200

jrosgood@earthlink.net

web site: www.juris99.com

CERTIFICATE OF SERVICE

I hereby certify that on Friday, September 15, 2023 I electronically filed the foregoing through use of the CM/ECF system causing a copy of same to be served electronically on all counsel presently of record in the case.

/s/

JOHN R. OSGOOD

September 12, 2023

Good Afternoon,

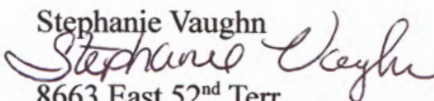
My name is Stephanie Vaughn (63) and I am Jeremy Woods mother so I have known him since I gave birth to him at 18. Jeremy was an Eagle Scout and worked one year down at scout camp in the kitchen. Jeremy had several jobs in and out of prison but the one he most enjoyed was the lawn care business him and his best friend (grandpa) had together.

Jeremy has made lots of bad choices throughout his life. When my dad passed away in 2020 I knew he was in trouble, depression hit, he cried a lot but I couldn't help him because he would not tell anybody what was going on.

I do believe Jeremy can function in society and pay his restitution I would like him to learn a trade where he could have an apartment and help his grandma. She depends on him a lot. While he has been gone she has had to pay people to do things for her.

He is a son, a dad, a grandpa, a brother a nephew and has many cousins his family is ready to support him in being a citizen and make right what he did wrong and pay his restitution. Jeremy if I didn't already say it... he is a very kind, loving, warm person and would give you the shirt off his back. Jeremy, can't pay restitution if he is locked away for a long time.

Thank You,

Stephanie Vaughn

8663 East 52nd Terr
Kansas City, Mo.
64129

(816) 616 0137

September 12, 2023

To Whom it May Concern,

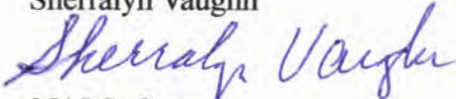
My name is Sherralyn Vaughn, I am 80 years old and I am Jeremy Woods grandma. Jeremy has always helped me and his grandpa and at one time when he was younger he lived with us. Still throughout time he was always there to help me and his grandpa.

My husband passed away in 2020 of Covid and not only did it shatter my life, Jeremy lost his best friend... his grandpa. His grandpa was the person who mentored him and always tried to help him. When my husband died Jeremy was there to help me with whatever needed to be done mowing, shopping, picking up bottled water and bringing me leftovers (not that I needed them) he was just thinking about me. I could always depend on him for whatever needed to be done. Jeremy also helped out at church in mowing, and cleaning up sticks, etc.

Jeremy comes from a very close knit family, he has grown children and an 9 year old daughter that this has been very hard on. She was seeing her daddy quite often. He is also a grandpa! I honestly believe with the support of family and find a trade that he could be a responsible person in society and pay his restitution and become a good citizen.

If you have any questions please feel free to contact me:

Sherralyn Vaughn



3515 S. Crane

Independence, Mo. 64129

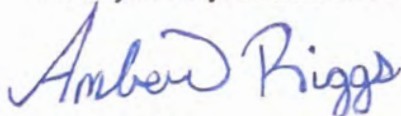
(816) 616 - 0137

To whom it may concern,

My name is Amber Riggs; I am Jeremy Wood's Sister in Law of (18) eighteen years. Over the course of the years that I have known Jeremy; I have been witness to his acts of service whether it be for his family or friends. Jeremy was always lending a hand whether that was mowing someones yard, putting gas in his grandmothers vehicle, running to the grocery store and the list truly just goes on. Jeremy is a very kind hearted and family oriented individual.

Although he has placed himself in such unfortunate situations; Jeremy is and can be a good striving member of society. I believe whether Jeremy receives time served or has to serve additional time; that it is in his best interest to be required to learn a skilled trade. This requirement would provide him a nice steady income to repay restitution, and strive as a upstanding member of society.

Thank you for your time and if you have further questions feel free to contact me.



Amber Riggs
252 Ryder Lane
Panama City, Florida 32404
(850)401-9555

To Whom it May Concern,

My name is Diane Allen. I am retired at 72 and a former radiology technician and teacher. I live directly across the street from Jeremy Woods mother... she is not only my neighbor, she is a close friend. I have known Jeremy for 10 years and his family for over 30 years.

I want to highly endorse Jeremy Woods both professionally and personally.... Jeremy operated and owned a successful lawn service business. I used his business many times over the past years and commend his care and commitment to my property. At all times I found him to be cheerful, concerned and attentive to my request, always on time and job focused.

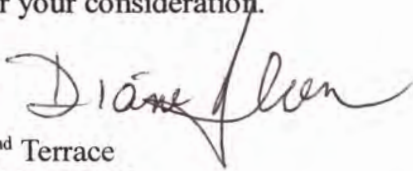
Personally, Jeremy was calm, relaxed and always smiling..... I care about him a great deal and value our friendship.

With the support of his family I believe he will complete and restore any restitution he owes once he is returned to society.

I also believe he will, once again. Restart his lawn service company and be financially stable.

Thank you for your consideration.

Respectfully,
Diane Allen
8654 East 52nd Terrace
Kansas City, Mo. 64129
(816) 522 6950

A handwritten signature in cursive script that reads "Diane Allen". The signature is written in dark ink and is positioned to the right of the typed name "Diane Allen".

September 1, 2023

To whom this may concern,

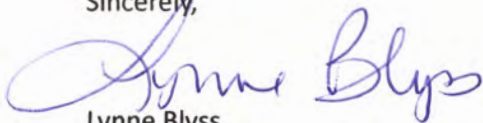
I, Lynne Blyss, am writing this reference letter for Jeremy Ace Woods whom I have known his entire life. Jeremy is my great nephew, and our family is close. Jeremy has always been a kind and caring individual who would offer to help his family in any way he could. He loves his children, parents, and grandparents.

Jeremy always had work, though many jobs were low pay and labor intensive. He continually tried to better himself and his standard of living. He worked in a business partnership with his grandfather, Ace Vaughn, for many years and successfully built their business. Unfortunately, his grandfather passed away unexpectedly from Covid 19 in 2020 and Jeremy suffered from the grief and loss of his mentor and business partner.

Jeremy has made some bad choices in the past and I understand that he has continually paid restitution for many of them. He is a good worker and would like the opportunity again to make things right for those he offended. Jeremy has grown in maturity and knows the value of being a kind and ethical human being. He has the full support of his family and would treasure the opportunity to be a law-abiding citizen working to pay restitution and support his family.

For further questions or information involving Jeremy Ace Woods, please feel free to contact me.

Sincerely,



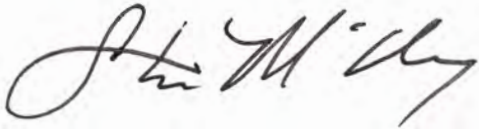
Lynne Blyss
6707 NW Graden Rd
Parkville, MO 64152
816-616-3413

To whom it may concern:

My name is Steven McElroy. I am Jeremy Woods' step-father. I have known him since 2011 when I met his mother.

Jeremy has been involved with a family business all the time I have known him. The business was started by his grandfather and they worked together until his death in December of 2020 from COVID-19.

I believe that Jeremy can turn himself around and become a better citizen. With the support of family he will find the right path.

A handwritten signature in black ink, appearing to read "Steve McElroy". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "McElroy".

Steven McElroy
8663 E 52nd Terr
Kansas City, MO 64129
(816) 824-4272

My name is Ethan Woods, Jeremy Woods oldest son. My father is a good dad, always there for me when I needed him and loves his grandkids to the fullest. He was always an honest person when it came down to it. He did what was always best for his family. He got in with a bad crowd, but always tried his absolute hardest to provide for his family. He is a family man, a great dad and even better grandfather.

- Ethan Woods

815 245 8762

108 W. SYLVAN AVE
CHRISTOPHER IL 62822